

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICKIE HILL,

Plaintiff,

v.

VILLATORO, *et al.*,

Defendant.

Case No. 2:20-cv-01590-KJD-VCF

ORDER

Plaintiff has filed a motion asking that he be allowed to withdraw this case because he does not have the time and supplies to continue this case. (ECF No. 5.) The Court construes this as a motion for voluntary dismissal without prejudice.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The complaint has not been served on the Defendants, and thus the Defendants have not filed an answer or a motion for summary judgment. Accordingly, the Court grants Plaintiff's motion to voluntarily dismiss this action without prejudice.

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's motion for voluntary dismissal (ECF No. 5) is **GRANTED**. This action is dismissed in its entirety without prejudice.

2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **DENIED** as moot.

3. The Clerk of the Court will enter judgment accordingly.

DATED THIS 25 day of August 2021.



UNITED STATES DISTRICT JUDGE